



SECTION ON

CLINICAL LEGAL EDUCATION

March, 1982

Reply to: Norman H. Stein
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CHAIRPERSON'S MESSAGE

By

Elliott S. Milstein

The AALS Annual Meeting went very well, I think, from the point of view of clinical teachers (and not just because I assumed the chairmanship of the Section). In addition to the things which attract most of us to it -- meeting and renewing acquaintances with other clinicians, participating in the formal program of the Section and ordering new lawbooks -- the Philadelphia meeting was useful because the speakers at the Association luncheon and at the plenary session, the only events involving all of the law teachers attending, emphasized the importance of what we do.

David R. Brink, the President of the ABA, gave an excellent speech at the luncheon. Indeed, my Dean joked that I probably had a hand in writing it. In the speech he developed the theme that the primary purpose of law school is to educate students for the competent practice of law. He encouraged the development and expansion of clinical education and simulation courses throughout the curriculum and called upon legal educators to "stop treating clinical teachers as second-class citizens with different tenure requirements" and to "get the practising bar, especially alumni, to fund chairs or programs or to provide facilities for clinical education."

The Plenary Session was on the topic of "Ferment and Innovation: Curricular Design at the Close of the Century," There was general agreement among the speakers at that session that clinical education was the wave of the future for improving the quality of legal education. It was as if we had finally "arrived" into the mainstream.

These two events followed the extremely successful all-day Section program which was probably the best-attended Section program at the meeting. While the entire program was excellent, the most provocative panel involved Bob Condlin's paper entitled "The Moral Failure of Clinical Education". Gary Bellow and
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SECTION'S OFFICERS ELECTED

At the Section's business meeting on Thursday, January 7th, Kandis Scott, Santa Clara, was elected unanimously to become chairperson of the Section at the 1983 annual meeting.

Roy Stuckey, South Carolina, and Barbara Schwartz, Iowa, were elected to three year terms on the Executive Committee of the Section. They will replace Jack Sammons, Mercer, and Bill Kerr, Maryland, whose terms expired.

The members of the Executive Committee are Rod Jones, Southwestern, and Lonnie Rose, Kansas, who have two years remaining in their terms; Susan Bryant, Hofstra, and Gary Lowenthal, Arizona State, who have one year remaining. The Executive Committee also includes the Chairperson, Elliott Milstein, American; the Chairperson-elect, Kandis Scott, Santa Clara; the immediate past chairpersons, Judy Potter, Maine, and Dean Rivkin, Tennessee; and the editor of the Newsletter, Norman Stein, Arkansas at Little Rock.

SECTION'S COMMITTEES APPOINTED

The following committee appointments were made by the Executive Committee at its meeting on January 8th. One member of the Executive Committee was included on each committee in order to increase communication and coordination within the committees of the Section.

Nominating Committee

This Committee nominates persons to serve as Chairperson and on the Executive Committee for election at the Section's annual meeting which is to be held in January, 1983. It accepts suggestions from the Section's membership of persons who would serve.

Chairperson:

Jack Sammons, Mercer

Roger Haydock, William Mitchell

Alan Kirtley, Puget Sound

Gary Lowenthal, Arizona State

Robert Bloom, Boston College

Evelyn Cannon, Maryland

Annual Meeting Program Committee

This Committee will immediately commence putting the program together and requesting persons to be responsible for various portions of the program to be presented at the annual meeting in January, 1983. The Committee will solicit ideas from the Section membership as to what workshops the membership would like presented. The goal of the Committee is to give all the program participants adequate opportunity to develop quality materials and presentations.

Chairperson;	Frank Bloch, Vanderbilt
	Lisa Blitman, New York Law School
	Susan Bryant, Hofstra
	Lewis Burke, South Carolina
	Peter Hoffman, Nebraska

National & Regional Training Committee

This Committee is responsible for reporting on and giving assistance, information and suggestions to persons organizing and running the regional and national workshops. It will determine the criteria for, if, when and how regional workshops could receive financial assistance from the Section.

Chairperson:	James Klein, Toledo
	David Gottlieb, Kansas
	Walter Heiser, San Diego
	Jane Johnson, Tulane
	Robin Masson, Cornell
	Bob Seibel, Maine
	Roy Stuckey, South Carolina

Awards Committee

This Committee accepts nominations of persons to receive the Section's annual award for exceptional service in the field of Clinical Legal education.

Chairperson:	Gary Laser, Chicago - Kent
	Doug Frenkel, Pennsylvania
	Roslyn Lieb, Northwestern
	Lonnie Rose, Kansas
	Arnold Siegel, Lovola, L.A.

Teaching Materials Committee

This Committee solicits, receives, edits and organizes syllabi and teaching materials for distribution to the Section membership. The syllabi should include the organization of the course, the materials used, and the assignments made. A brief narrative of the teaching methodology, demonstrations and problems used should also be included.

Chairperson:

Bea Frank, NYU

Claudia Angelos, NYU

John Barkai, Hawaii

Richard Neuman, Hofstra

Laura Norman, Columbia

Norman Stein, Arkansas at Little Rock

Syllabi and Teaching Materials should be sent to Bea Frank at New York University School of Law, 40 Washington Square South, New York, N.Y. 10012.

Ad Hoc Committee on Political Interference

This Committee will monitor and determine the extent and nature of political interference and attacks on clinical programs by outside forces. The Committee will make recommendations as to how the Section and individual programs can most effectively respond to the interference.

Chairperson:

John Bonine, Oregon

Wally Mlyniec, Georgetown

Elizabeth Schneider, Rutgers - Newark

Barbara Schwartz, Iowa

James Stark, Connecticut

Faculty Status

This Committee will collect, compile and disseminate information about the faculty status of clinical teachers throughout the country, and the standards employed by law schools to determine faculty status. The Committee will report to the Section its findings and recommendations for how the Section can be involved in the evaluation of clinical teachers by their respective law schools.

Ad Hoc Committee on Faculty Status

Chairperson: Stacy Caplow, Brooklyn
Robert Doyel, Mississippi
James Doyle, Georgetown
Judy Potter, Maine
Glendalee Scully, McGeorge
Mark Spiegel, Boston College
Karen Tokarz, Washington - St. Louis

CONGRESSMAN NEAL SMITH HONORED

Congressman Neal Smith of Iowa was awarded the AALS Clinical Section Award for Outstanding Contributions to Clinical Legal Education, at the Section's luncheon on January 7th.

Congressman Smith has been the primary supporter of federal funding for clinical legal education through Title IX of the Higher Education Act. Over the past years the appropriations for Title IX at times have been in jeopardy and it has been through Congressman Smith's efforts that funding became a reality. Congressman Smith first became a supporter of clinical education when, upon graduating from law school, he started practicing law in a small town in Iowa and realized that his legal education had not adequately prepared him for the practice of law. Congressman Smith has been a staunch advocate of the educational value of clinical education.

ABA PRESIDENT TALKS TO AALS ABOUT LAWYER COMPETENCE

David R. Brink, President of the ABA, was the speaker at the AALS Association Luncheon on January 8th. His speech, titled "Sartor Resartus - The Professor Takes the Exam" focused on the widening gap in the competence of new lawyers to practice law, and what the law schools and the bar can do to promote legal education in lawyering skills. Copies of Mr. Brink's speech can be obtained from Norman H. Stein.

ABA HOLDS MID-WINTER MEETING

The following events at the ABA meeting in Chicago should be of interest to clinical teachers:

Joe Harbaugh Appointed to ABA Committee

Joe Harbaugh, of Temple University School of Law, has been appointed a member of the Nominating Committee of the ABA Section on Legal Education and Admissions to the Bar. Joe is soliciting nominations of clinical teachers for a seat on the Section. In order to be nominated an individual should be an active clinical teacher with fieldwork as well as classroom responsibility and be a member of the ABA and the Section. Those people interested in the position or who have suggestions for nominations should contact Joe as soon as possible.

ABA Subcommittee to Interpret Accreditation Standard 405(d)

The ABA Committee on Accreditation has formed a subcommittee to interpret standard 405(d) and its application to clinical teachers. The Committee has proposed an additional standard, 405(e), which states that full time clinical teachers are to be treated substantially equivalent to the treatment accorded regular faculty. This could include tenure, law-term contracts and parity of benefits. The proposed standard is going to the Accreditation Committee for approval and then to the Council of Legal Education of the ABA. Gary Palm, Chicago has taken responsibility for monitoring this issue through the ABA.

ABA Program on Professional Skills Instruction

The ABA Section of Legal Education and Admissions to the Bar held a Dean's Workshop program titled "What is Happening in Law Schools: Professional Skills Instruction." The featured speaker was Tony Amsterdam, NYU; and panelists included James White, Michigan; Daniel Hoffman, Denver; and John Kramer, Georgetown. Professor Amsterdam's remarks contained a description of clinical legal education and its goals as well as suggestions for the integration of clinical methodology with other law school courses. A copy of these remarks can be obtained from Norman H. Stein.

New ABA Publication: "Lawyering Skills News"

The ABA Standing Committee of Continuing Education of the Bar has appointed a four member subcommittee on lawyering skills. The subcommittee is chaired by Mark H. Toukey, III, chair of the standing committee. The members of the subcommittee are Bea Moulton, Conrad K. Harper, and Mary Moers Wenig.

The first issue of "Lawyering Skills News" has been published by the ABA, and includes updates on the ABA's involvement in lawyering skills education. It reported that David Binder and Carrie Menkel-Meadow of UCLA have developed a four day course in lawyer-

ing skills for the practicing bar.

DESCRIPTION OF 1982 NATIONAL CLINICAL TEACHERS' CONFERENCE

The Sixth National Clinical Teacher's Conference will be held from June 19-26, 1982 at the University of Minnesota Law School. Responding to the evolving nature of clinical legal education, this year's Conference will attempt to retain the successful performance-oriented aspects of prior Conferences, while including more time for fuller consideration of theories and methods in clinical legal education. Through extensive group discussion, this year's Conference will attempt to assist clinical teachers in becoming more self-reflective about their roles as teachers and lawyers. During the weeklong conference the participants will attend workshops, make presentations and participate in informal discussions on topics of interest to clinical teachers.

The program will begin on Saturday evening, June 19, 1982, with an orientation to the Conference. On Sunday, June 20, two major presentations concerning clinical theory and methods given by Gary Bellow, Jeanne Kettleson, and Michael Meltsner will comprise the bulk of the day's program. A similar session on negotiation given by Roger Fisher will follow on Thursday, June 24. On the remaining days of the conference, small groups will devote their attention to presentations given by selected clinical law teachers.

PRESENTATIONS: CLINICAL TEACHING IN THE CLASSROOM AND IN SUPERVISION

As in the past, the conference will focus primarily on two types of teaching used in clinical programs: the classroom component and the one-to-one supervision. Four days of the conference have been devoted to these topics. During this phase of the Conference small groups of ten to fifteen participants will examine presentations made by experienced clinical law teachers. Over the four day period, each small group will see two classroom presentations, one on interviewing and/or counseling and one on negotiations and two presentations on supervision of students on actual cases or involving a lawyering skill, and other topics of interest to clinical teachers. These presentations are scheduled for one and one-half hours and will be followed by a group discussion of the presentation. A significant amount of time in the schedule is set aside for an in-depth discussion of each of the presentations so that all of pedagogical and substantive issues raised by the presentations can be discussed. These extended group discussions are expected to generate new ideas for teaching these skills in both the classroom component and individual case supervision.

Following the discussion of the presentation the group will evaluate the discussion itself. This phase of the program will focus on the dynamics of the small group learning and interaction.

In addition to the formal presentation made by sixteen participants at the conference, each of the other participants will be given the opportunity to give a live presentation or show a video-tape of their teaching in the classroom or in supervision. To prepare for this phase of the conference, each participant should bring a video-tape of a class or supervisory session. The video-tape will be viewed and discussed in a small group setting.

INFORMAL DISCUSSIONS:

Evening sessions will include informal discussions of clinical course design, clinical administration, status of clinical teachers, clinical methodology in the non-clinical curriculum, and other issues of importance to all clinical teachers.

THE PARTICIPANTS:

Participation in the conference is limited to sixty clinical teachers. Unlike previous conferences, which were specifically designed for the inexperienced clinical teacher, the Conference this year is designed to be of benefit to all clinical teachers. The schedule is set up to encourage discussion at the "state-of-the-art" level and beyond. Thus these discussions should appeal to even the most experienced clinical teacher. At the same time, the schedule retains the performance and feed-back sessions that were designed to improve the teaching skills of the less experienced clinical teacher.

THE PRESENTERS:

The presenter-participants at the conference include: David Kaplow and Jim Doyle (Georgetown), John Barkai and Jim Countess (Hawaii), Tom Geraghty (Northwestern), Roy Stuckey (South Carolina), Ed Greenebaum (Indiana - Bloomington), Stacy Caplow (Brooklyn), Richard Solomon (Southwestern), Michael Sheldon (Connecticut), Elliott Milstein (American), Norman Stein (Arkansas at Little Rock), Lisa Blitman (New York Law) and Peter Hoffman (Nebraska).

AALS PROPOSAL TO HOLD CLINICAL TEACHER CONFERENCES BI-ANNUALLY

The AALS Professional Development Committee has recommended to the AALS Executive Committee that clinical teacher conferences be held bi-annually with a weekend workshop to be offered in the off year when a conference is not held.

TITLE IX APPLICATIONS MAILED

Elliott Milstein was informed on March 1, 1982 that even though the Reagan Administration has proposed that the Appropriation of \$960,000 for Clinical Legal Education be rescinded, the Secretary of Education has approved a plan to send out the application booklets with an application deadline of April 14, 1982. The booklets will state that the grant process is subject

to congressional action on the rescission. If Congress does not vote to accept the proposed rescission by April 24 then the money must be spent.

The authorization for Title IX was reduced to \$1 million last summer and the present appropriation of \$960,000 was contained in the continuing resolution under which the Department of Education is operating currently. The sharp reduction in funding means that the Department expects to award 25 to 30 grants of up to \$38,500 and will require that a school match 50% of the total project cost. Last year there were 74 grants which averaged approximately \$40,000 each and some of which were nearly \$60,000.

Schools should expect to receive application booklets soon. Successful applicants will be notified by May 30, 1982.

UPDATE ON POLITICAL INTERRENCE WITH CLINICAL PROGRAMS

University of Oregon

After attacks upon the University of Oregon School of Law Environmental Law Clinic by conservative businessmen and the state legislature, the president of the University has agreed to release previously unavailable funds to hire an additional attorney to replace the attorney funded by the National Wildlife Federation. The National Wildlife Federation had previously decided to leave campus and open up a larger office in Portland, Oregon.

The Environmental Law Clinic first upset a conservative businessmen's group in Portland in 1978 when it sought to force the state to comply with a state law on purchase of recycled paper. In 1980 some local timber interests joined in the attacks on the clinic. One timber man stated he had spent \$10,000 of his own money to investigate the Environmental Law Clinic. He then withheld a \$250,000 contribution to the University for a basketball pavilion. See Sports Illustrated 2/81. The opponents of the Environmental Law Clinic also brought pressure to bare on individual legislators who were members of the Ways and Means Committee to try to influence the budget process. In addition, letters were sent to the president of the University demanding that the National Wildlife Federation be kicked off campus. The Clinic had previously had a letter signed by 44 of 90 legislators supporting the Clinic. Also, the Environmental Law Clinic received the support of Dean Derek Bell, who spoke to individual legislators; the faculty, which passed a unanimous resolution in support of the clinic; and law students, who demanded and received a meeting with the University president to object to any weakening of support for the Environmental Law Clinic under outside pressure.

University of Idaho

The University of Idaho Legal Aid Clinic is also being attacked through a bill in the legislature. The bill has passed the House of Representatives 55 to 11 and is now in the Senate. A vote in the Senate is expected at any time. The controversy started several years ago when the clinic represented Indians who were arrested for illegally fishing near a fish hatchery out of season. The clinic also represented Idaho bow hunters in a lawsuit against the state's Department of Transportation and the U.S. Forest Service to try to prevent the widening of a two lane road alongside a wild and scenic river, the purpose of the road being to facilitate truck traffic for grain shipments from Montana to the port of Lewiston. The Department of Transportation started exerting pressure on the University president. He and the dean of the law school resisted. A Lewiston legislator introduced the following bill.

No faculty member . . . shall represent . . . any person other than himself or herself in any action against the state or any agencies or political subdivisions.

No state or public institution . . . shall offer a class, clinical program, course or other educational opportunity . . . in which any student in any manner assists or participates in any cause, claim, suit, or other litigation against the state of Idaho, its agencies or political subdivisions unless such assistance or participation is rendered on behalf of the state, its agencies or political subdivisions.

University of Colorado

The University of Colorado Board of Regents enpaneled a blue ribbon commission to investigate operation of the law school's clinical program after Professor Jonathan Chase represented the ACLU in a suit challenging a Christmas display at Denver City Hall. The committee to study the operation of the clinic submitted a report with its conclusions to the chancellor on December 14, 1981. The committee included Professor Ken Broun, of the University of North Carolina; Dean Betsy Levin of the University of Colorado School of Law, Judge Louis Pollak, formerly dean of both Yale and the University of Penn Law Schools and now U.S. District Judge for the Eastern District of Pennsylvania. The committee was to evaluate the effectiveness of the clinical program at the University of Colorado School of Law in terms of the educational goals of the School of Law. The conclusion of the committee was that the law school curriculum was well balanced, and that a review of the clinic program showed that it was educationally effective and sufficiently balanced. The committee went on to say that there is a tendency that all courses may contain some philosophical views of the professor offering them.

The committee concluded by stating that it was strongly of the opinion that the cases selected for use in clinical programs were selected for appropriate reasons. "We conclude by observing the clinical program is an important ingredient of the law school's educational offering and that the law school acted responsibly with its clinical program."

John Bonine, University of Oregon and Chair of the Section's Ad Hoc Committee on Political Interference, points out that these are not the first instances of political attacks upon clinical programs. In 1970 the University of Mississippi was censored by the AAUP because two faculty members were running a Legal Aid Clinic involved in desegregation lawsuits and the University yielded to pressure by members of the state legislative Budget Committee. [See AAUP Bulletin (now called Academe) Spring 1970 pgs. 75 - 86.] Mississippi stayed on the censored list for approximately seven years. John Bonine is requesting that all information with regard to either past or present political attacks on clinical programs be forwarded to him either by mail at the University of Oregon School of Law, Eugene, Oregon 97403 or by calling him at 503-686-3858. The more we know about political attacks on clinical programs and the various responses that can be made, and the effectiveness of those responses, the better equipped we will be for future attacks on programs.

TRAINING PACKAGES DEVELOPED BY LEGAL SERVICES CORPORATION

Over the past several months the Legal Services Corporation has published 53 training packages in 78 volumes covering both skills and substantive law training. A list of the training packages as well as the actual training material can be obtained from the following Legal Services Corporation Regional Training Centers:

Mr. Ken McIver
Massachusetts Law Reform Institute
2 Park Square
Boston, MA 02116
Regions: 1, 2, 3
PHONE: 617/482-0890

Mr. John Cobb
Colorado Coalition of Legal Services
Programs
1365 Logan Street, Suite 208
Denver, CO 80203
Region: 7
PHONE: 303/830-1551

Ms. Judy Rausch
Legal Services Organization of
Indiana
Indianapolis Office
107 North Pennsylvania Street
Indianapolis, IN 46204
Regions: 4, 5
PHONE: 317/631-1395

Mr. Dan Stormer
Western Center on Law and Poverty,
Inc.
3535 West Sixth Street
Los Angeles, CA 90020

Regions: 8, 9
PHONE: 213/487-7211

Ms. Marilyn Swears
Alabama Consortium of Legal Ser-
vices Programs
500 Bell Building
207 Montgomery Street
Montgomery, AL 36104

Region: 6
PHONE: 205/264-1471

TRANSITIONS

Dr. Donald Bigelow, Chief of the Graduate Training Board of the Department of Education and the person responsible for the administration of grants under the Title IX program, will be retiring from the Department of Education effective March 24, 1982. Rick Perna will leave the University of Pennsylvania to become clinical director at the University of Dayton. Michael Axline will join the Environmental Law Clinic of the University of Oregon.

NEWSLETTER EDITOR SOLICITS ARTICLES

In order to disseminate as much useful information as possible regarding clinical legal education, a portion of each Newsletter will be devoted to a description of one or more clinical programs. It would be of assistance to all clinical teachers if we could identify the range and depth of clinical legal education offerings throughout the country. Anyone interested in writing about his/her clinical program should contact Norman H. Stein.

JOBS AVAILABLE

Hofstra University School of Law invites applications for the tenure-track position of Director of Clinical Programs. Applicants should have excellent academic credentials, as well as litigation and clinical teaching experience or the equivalent. Women and minority candidates are encouraged to apply. Please send resumes to: Professor M. Patricia Adamski, Hofstra University School of Law, Hempstead, New York 11550.

Hofstra University School of Law is seeking applications for the position of a non-tenured track clinical teacher. The applicant should have a minimum of three years of legal experience. Clinical teaching experience is not necessary. Duties will include teaching in the clinical research and writing program and in the third year clinic, as well as supervising students.

Loyola University of Chicago School of Law is seeking applicants for a tenure track clinical position. The professor to be hired for this position will administer Loyola's two attorney in-house clinic, supervise students in representation of clinic clients and teach one class per year in the law school. Applicants should have at least three to five years of litigation experience and appropriate academic credentials.

Applications should be directed to Associate Dean Nina S. Appel, Loyola University of Chicago School of Law, 1 East Pearson Street, Chicago, Illinois 60611.

Loyola University is an equal opportunity educator and employer.

CHAIRPERSON'S MESSAGE (Continued from page 1)

Dean Norman Redlich challenged the premises and the conclusions which Condlin articulated. Tapes of the program are available from Audio-Stats, 3221 Carter Avenue, Marina del Rey, California 90291.

Many of us returned home feeling more optimistic about the future of clinical legal education than we have a right to be. There are serious challenges to what we do which we have to face on a daily basis. The faculty status issue will not go away. This significantly interferes with any serious integration of the clinic with the rest of the law school as well as with attracting and retaining the corps of clinical teacher/scholars necessary if we are fully to achieve our potential. We regularly hear about some of our best clinical teachers leaving or thinking of leaving us either for "regular" teaching or for practice (Beskind, Kerr and Schoenfeld, to name just a few). Funding is an increasing headache as the economy gets worse, Title IX, Legal Services and other governmental funding becomes less viable, and our Universities are looking for places to cut budgets. Political interference by state governmental officials and others with the legal work of clinical programs is on the increase. Financial aid cutbacks require more students to think about part-time employment instead of clinical education during law school. In short, coming home involved gearing up again to continue the old struggles as well as the new ones.

The last several years, particularly since the Key Biscayne Conference, have taught us the importance of maintaining a network and working together on the problems which we share.

We are now better able to help each other deal with our challenges and more needs to be done. The Section's Executive Committee has formed two new special committees to continue this effort. Stacy Caplow of Brooklyn Law School is Chairing the Special Committee on Faculty Status and John Bonine of the University of Oregon is Chairing the Special Committee on Political Interference. We hope that these committees will provide us with a framework for the organization to help individual schools which are involved in these issues. You can help these committees right away by sending Stacy a copy of your school's personnel policies which apply to both tenure-track and non-tenure-track faculty and by alerting John to political interference problems which you have had and to the ways you have dealt with them. I hope that each of you feels free to communicate with the Section's officers, either to help or to seek help, throughout the year.

I very much appreciate the opportunity to serve as Section Chairman. It will be particularly difficult to fill the shoes of Judy Potter and Dean Rivkin (and not just because it would take four feet). I know that I speak for all of the members of the Section in saluting them for a job well done.

This Newsletter is a forum for the exchange of points of view. Opinions expressed here are not necessarily those of the Section and do not necessarily represent the position of the Association of American Law Schools. AALS Executive Committee Reg. 12.4(c).